

# EXHIBIT A

**Brandt, Rebecca S**

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**From:** Horwitz, Ethan  
**Sent:** Thursday, March 31, 2005 9:55 AM  
**To:** CAITLIN LHOMMEDIEU  
**Cc:** Yanchar, Georgia E; Fernands, Anastasia M  
**Subject:** BIS v Red Bend

Caitlin:

I wanted to confirm our understanding that written responses to outstanding discovery on both sides will be extended to April 18<sup>th</sup>. Also, as requested, I am writing to lay out our general understanding based on our conversation today:

1. Both of us will have a rolling document production that should be completed mid-May;
2. At the end of May/beginning of June, we will have depositions of one person from each side as follows:
  - a). Red Bend will produce a person knowledgeable in the functionality of its products.
  - b). BIS will produce a person knowledgeable in the functionality and sale of its products leading to the invention and the inventive process.
  - c). The two people above will each have knowledge of the personnel of the respective companies so that we can identify who else will be required in depositions.

We will each serve 30(b)(6) Notice for these witnesses - it is recognized that the witness may not have complete knowledge and that others may be needed to supplement. But, it will be represented that the witnesses have good overall knowledge of (a) and (b) above, and will know or educate themselves as to (c).

3. We will plan on depositions of the remaining Israeli witnesses in Israel the weeks of July 18<sup>th</sup> and 25<sup>th</sup>. We will fit in any US witnesses at other times.
4. We will extend the dates in the Scheduling Order. I suggested 2 months and you agreed to get back to me.

Obviously, the dates are subject to our client's schedule and we will check to see if people are generally available in the deposition date above.

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